

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.902 OF 2006
IN
CRIMINAL APPEAL NO.781 OF 2006

Dilip Lalchand Doshi

...Applicant

Vs.

The State of Maharashtra

...Respondent

Shri P.B. Patil for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.

DATE : OCTOBER 06, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicant.

he submitted that the involvement of the Applicant in the offence is doubtful. He also pointed out that the Applicant has been acquitted for offence under section 498-A of the Indian Penal Code. He pointed out that the injured i.e. his wife has admitted that after he was enlarged on bail, for sometime, the Applicant and the injured were staying under the same roof. he submitted that the Applicant was on bail throughout the trial and since there are no criminal antecedents, he deserves to be enlarged on bail.

2. I have considered the submissions.

Applicant has been convicted for offence under section 307 of the Penal Code and the victim of the offence is

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his wife. The allegation of the prosecution is that when wife was asleep the Applicant gave a blow on her head by iron pipe. To that effect the wife of the Applicant has deposed. The wife of the Applicant was admitted in I.C.U as she became unconscious. She was discharged after 25 days. She has stated that she had bleeding injury on her head and she lost one eye. So far as the second contention regarding stay under the one roof is concerned, the Investigating Officer has filed a statement of the wife of the Applicant on record. The statement is dated 23rd September, 2006. The statement records that the Applicant stayed after August 2002 in her matrimonial home. However, she stated that she was always under threat and therefore, she was required to call her mother and sister to stay alongwith her.

3. Considering gravity of allegations and the nature of the prosecution evidence, no case is made out for grant of bail. Application is rejected.

4. Hearing of the Appeal is expedited. Liberty to file private paper-book.

JUDGE